

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Davis

February 24, 2009

An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as introduced, Davis. Tire age degradation: consumer disclosure.

Existing law provides for the establishment and enforcement of various product safety standards for consumer products, including, among others, requiring specified warning labels for water heaters, and prohibiting the sale of contaminated toys and lead-tainted tableware.

This bill would require a tire dealer to disclose the age of each tire in writing at the time of sale in a consumer-friendly manner. The bill would require sale documents for tires to include a statement as to the age of the tires, next to which the customer would be required to initial prior to purchase. The bill would require tire dealers to retain those sale documents for at least 3 years. The bill would provide that any violation of its provisions is subject to a civil penalty of \$250 per violation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) Testing and real-world data has shown that tires have a much
2 greater propensity to fail as they age. As tires age, they can dry
3 out and become brittle, leading to potentially catastrophic tire tread
4 separations. Hot climates accelerate tire degradation. According
5 to the research firm, Safety Research & Strategies, 167 vehicle
6 crashes have been attributed to aged tires, with 192 injuries and
7 139 fatalities.

8 (b) In a 2007 report to Congress, the National Highway Traffic
9 Safety Administration (NHTSA) acknowledged that “tire aging is
10 a serious safety issue.” NHTSA also reported that insurance
11 statistics from a number of states showed that 84 percent of
12 tire-related claims were for “tires over 6 years old.”

13 (c) Since 2006 many of the tire manufacturers have issued
14 technical bulletins advising against the use of tires that are six to
15 10 years old, but they default to the vehicle manufacturers’
16 guidelines, which are predominantly six years. These bulletins
17 were preceded by others overseas, like the 2001 British Rubber
18 Manufacturers Association, which includes all of the major tire
19 makers or their subsidiaries.

20 (d) The tire industry, vehicle manufacturers, and NHTSA
21 recognize that tire age degradation presents a hazard. However,
22 the outreach to consumers has been virtually nil.

23 (e) Vehicle and tire manufacturers have recommended light
24 truck and passenger tires older than six years from the date of
25 manufacture should not be used, particularly spares. Currently,
26 nearly all vehicle manufacturers have adopted a six-year policy
27 warning that tires should be removed from service after six years,
28 regardless of tread depth or use. Unfortunately, these warnings are
29 often inconspicuously buried in the depths of a several hundred
30 page owner’s manual.

31 (f) The age of tires can be determined by checking the
32 identification number on the sidewall that begins with the letters
33 “DOT.” The last four digits represent the week and year the tire
34 was manufactured. However, this code is inconspicuously
35 positioned on the tire, and a consumer would not likely be able to
36 understand the DOT number unless he or she had prior knowledge
37 about how to decode it.

38 (g) Consumer disclosure is an important step to prevent tragedies
39 that continue to occur when aged tires fail catastrophically.

1 SEC. 2. Chapter 12 (commencing with Section 108950) is
2 added to Part 3 of Division 104 of the Health and Safety Code, to
3 read:

4
5 CHAPTER 12. TIRE AGE DEGRADATION
6

7 108950. (a) A tire dealer shall disclose the age of each tire in
8 writing at the time of sale in a consumer-friendly manner. Sale
9 documents for tires shall include a statement as to the age of the
10 tires, next to which the customer shall initial prior to purchase.
11 Sale documents containing the initials of a customer as required
12 by this section shall be retained by the tire dealer for at least three
13 years.

14 (b) For purposes of this chapter, both of the following shall
15 apply:

16 (1) "Tire dealer" shall include any retail tire outlet and any
17 commercial retailer of any vehicle equipped with tires.

18 (2) "Tire" shall include both new and used tires.

19 (c) This chapter shall not apply to the private sale of used tires
20 or any used vehicle.

21 108952. Any violation of this chapter is subject to a civil
22 penalty of two hundred fifty dollars (\$250) per violation.